



PATENT
Customer No. 22,852
Attorney Docket No. 5725.0832-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Véronique FERRARI et al.)	Group Art Unit: 1615
)	
Application No.: 09/749,036)	Examiner: J. Venkat
)	
Filed: December 28, 2000)	Confirmation No.: 5474
)	
For: COMPOSITION COMPRISING AT)	
LEAST ONE POLYAMIDE)	
POLYMER AND AT LEAST ONE)	
PASTY FATTY SUBSTANCE AND)	
METHODS FOR USE (AS)	
AMENDED))	

MAIL STOP RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Office the documents on the attached listing. This Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action after the filing of a Request for Continued Examination in the above-referenced application.

Copies of the listed documents are attached, excluding any U.S. Patents, Patent Application Publications, and co-pending U.S. Patent Applications which are available in the Image File Wrapper System.

Applicants' representatives understand from the Examiner that in the past she considered references cited in the IDS Forms PTO/SB/08 filed but crossed through some of the citations and did not initial the entries to avoid the printing of the those documents on the face of any patent granted on this application. In light of the Examiner's representations regarding the crossing-out of references, Applicants will consider any entries crossed through by the Examiner in this case as having been properly submitted and considered by the Examiner unless the Examiner specifically states otherwise in the papers returning the form.

Additionally, in the Amendment and Reply Under 37 C.F.R. § 1.111 submitted herewith, Applicant identified litigation documents that the Office did not consider and crossed through when previously submitted and described in the accompanying Information Disclosure Statements. For the reasons stated therein, Applicants believe those references were properly submitted and should be considered by the Office. Therefore, Applicants have relisted those crossed-through references on the enclosed IDS Form PTO/SB/08, but have not submitted additional copies of the documents, and request that the Office consider them and indicate that they were considered by making appropriate notations on the attached form.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the office actions in the co-pending applications are

material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive office actions filed in co-pending applications on the attached form. At the Examiner's request, Applicants have not included copies of the office actions from the co-pending applications issued by the Examiner of this application.

Applicants respectfully request that the Office consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **FR 2 804 286** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
2. **JP 9/263516** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
3. **JP 10/001444** - An abstract of the disclosure of this document can be found in the English language abstract from esp@cenet submitted herewith.
4. **JP 2000/154112 A** - An abstract of the disclosure of this document can be found in the English language abstract from Patent Abstracts of Japan submitted herewith.
5. **JP 2000/503305 A** - The document is believed to be related to U.S. 6,007,796, which is listed herewith.
6. **JP 2002/539220** - An abstract of the disclosure of this document can be found in the English language abstract from esp@cenet submitted herewith. The document is also believed to be related to U.S. 6,830,610, which is listed herewith.

7. **JP 45/41318** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

8. **JP 48/38861** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

9. **JP 49/75740** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

10. **JP 52/007067** - An abstract of the disclosure of this document can be found in the English language abstract from esp@cenet submitted herewith.

11. **JP 64/90110** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

This submission does not represent that a search has been made or that no better art exists, and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

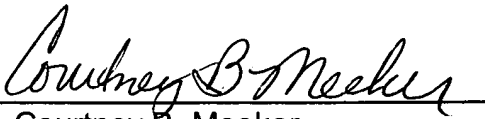
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 20, 2006

By: 
Courtney B. Meeker
Reg. No. 56,821

IDS Form PTO/SB/08: Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	09/749,036
				Filing Date	December 28, 2000
				First Named Inventor	Veronique FERRARI et al.
				Art Unit	1615
				Examiner Name	J. VENKAT
				Attorney Docket Number	5725.0832-00
Sheet	1	of	4		

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
		3,324,041	6/1/1967	Sommer Harry J et al.	
		4,885,709	12/5/1989	Edgar et al.	
		5,436,006	7/25/1995	Hirose et al.	
		6,007,796	12/28/1999	Menzel et al.	
		6,042,815	3/28/2000	Kellner et al.	
		6,410,003	6/25/2002	Bhatia et al.	
		6,830,610 B1	12/14/2004	Bruchert et al.	
		6,869,594 B2	3/22/2005	Ferrari	
		6,881,400 B2	4/19/2005	Collin	
		6,960,339 B2	11/1/2005	Ferrari et al.	
		6,979,469	12/27/2005	Ferrari et al.	
		US 2003/0129211	7/10/2002	Livoreil et al.	
		US 2004/0247549 A1	12/9/2004	Lu et al.	
		US 2005/0008598 A1	1/13/2005	Lu et al.	
		US 2005/0008599 A1	1/13/2005	Lu et al.	
		US 2005/0065261 A1	3/24/2005	Darlington Jr. et al.	
		US 2005/0089491 A1	4/28/2005	Collin	
		US 2005/0089505 A1	4/28/2005	Collin	
		US 2005/0089541 A1	4/28/2005	Lacoutiere	
		US 2005/0191327 A1	9/1/2005	Yu et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		Country Code Number Kind Code (if known)				
		EP 1 018 332	7/12/2000			English
		FR 2 804 286	8/3/2001			Abstract
		JP.09/263516	10/7/1997			Abstract

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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			Art Unit	1615	
			Examiner Name	J. VENKAT	
			Attorney Docket Number	5725.0832-00	
Sheet	2	of	4		

FOREIGN PATENT DOCUMENTS

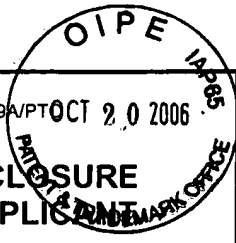
Examiner Initials	Cite No.	Foreign Patent Document Country Code Number Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		JP 10/001444	1/6/1998			Abstract
		JP 2000/0154112	6/6/2000			Abstract
		JP 2000/503305	3/21/2000			Related English Document
		JP 2002/539220	11/19/2002			Abstract
		JP 45-41318	12/24/1970			Abstract
		JP 48-38861	11/20/1973			Abstract
		JP 49-75740	7/22/1974			Abstract
		JP 52-007067	2/26/1977			Abstract
		JP 64-90110	4/6/1989			Abstract

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
		Co-Pending Application No. 11/212,811, Attorney Docket No. 05725.0816-03 Title: A TRANSFER-FREE MASCARA COMPOSITION COMPRISING AT LEAST ONE VOLATILE SOLVENT AND AT LEAST ONE POLYMER U.S. Filing Date August 29, 2005	
		Co-Pending Application No. 11/312.338, Attorney Docket No. 05725.1538 Title: COMPOSITION AND PROCESS FOR COATING KERATIN FIBERS U.S. Filing Date December 21, 2005	
		Co-Pending Application No. 11/351,309, Attorney Docket No. 5725.1020-01 Title: COSMETIC COMPOSITION CONTAINING A POLYMER AND A FLUORO OIL U.S. Filing February 10, 2006	
		Co-Pending Application No. 11/406,371; Attorney Docket No. 06028.0130-00 Title: COSMETIC COMPOSITION COMPRISING SILICA PARTICLES, REFLECTING PARTICLES, AND AT LEAST ONE POLYMER, PREPARATIVE PROCESS, AND USES THEREOF U.S. Filing Date: April 19, 2006	
		English language Abstract from Patent Abstracts of Japan for JP 2000/0154112	
		English language Derwent abstract for JP 09/263516	
		English language Derwent abstract for JP 45-41318	
		English language Derwent abstract for JP 48-38861	

Examiner Signature		Date Considered	
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IDS Form PTO/SB/08: Substitute for form 1449 APT

OCT 2, 2006

Complete if Known

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet	3	of	4	Application Number	09/749,036
				Filing Date	December 28, 2000
				First Named Inventor	Veronique FERRARI et al.
				Art Unit	1615
				Examiner Name	J. VENKAT
				Attorney Docket Number	5725.0832-00

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		English language Derwent abstract for JP 49-75740	
		English language Derwent abstract for JP 64-90110	
		English language DERWENT abstract of FR 2,804,286	
		English language esp@cenet abstract for JP 10/001444	
		English language esp@cenet abstract for JP 2002/539220 (WO0055264)	
		English language esp@cenet abstract for JP 52/007067	
		Estee Lauder's Amended Answer and Counterclaims, dated April 21, 2005, in the on-going litigation L'Oreal S.A., et al., v. The Estee Lauder Companies Inc., et al., Civil Action No. 04-1660 (D.N.J.)	
		Estee Lauder's Answer and Counterclaims, dated May 27, 2004, in the on-going litigation L'Oreal S.A., et al., v. The Estee Lauder Companies Inc., et al., Civil Action No. 04-1660 (D.N.J.)	
		Estee Lauder's Response to Plaintiff's First Set of Interrogatories (Nos. 1-6), dated September 27, 2004, in the on-going litigation L'Oreal S.A., et al. v. The Estee Lauder Companies Inc., et al., Civil Action No. 04-1660 (D.N.J.)	
		Estee Lauder's Response to Plaintiff's Third Set of Interrogatories (Nos. 8-13), dated June 21, 2005, in the on-going litigation L'Oreal S.A., et al. v. The Estee Lauder Companies Inc., et al., Civil Action No. 04-1660 (D.N.J.)	
		L'Oreal's Complaint for Patent Infringement, dated April 7, 2004, in the on-going litigation L'Oreal S.A., et al., v. The Estee Lauder Companies Inc., et al., Civil Action No. 04-1660 (D.N.J.)	
		Office Action in co-pending Application No. 09/733,896 (Attorney Docket No. 05725.0806-00) dated January 30, 2006 (Ex. Nutter)	
		Office Action in co-pending Application No. 09/733,897 (Attorney Docket No. 05725.0809) dated July 27, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 09/733,897 (Attorney Docket No. 05725.0809-00) dated February 8, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 09/733,898 (Attorney Docket No. 05725.0808-00) dated January 11, 2006 (Ex. Yoon)	
		Office Action in co-pending Application No. 10/129,377 (Attorney Docket No. 05725.0819-01) dated January 13, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/182,830 (Attorney Docket No. 05725.0795-01) dated November 25, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/182,830 (Attorney Docket No. 05725.0795-01), dated May 17, 2006 (Ex. Venkat)	

Examiner Signature		Date Considered	
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		Filing Date	December 28, 2000		
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		Art Unit	1615		
		Examiner Name	J. VENKAT		
Sheet	4	of	4	Attorney Docket Number	5725.0832-00

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		Office Action in co-pending Application No. 10/203,254 (Attorney Docket No. 05725.0817-01) dated December 5, 2005 (Ex. Dameron Jones)	
		Office Action in co-pending Application No. 10/203,254 (Attorney Docket No. 05725.0817-01) dated June 1, 2006 (Ex. Dameron Jones)	
		Office Action in co-pending Application No. 10/312,083 (Attorney Docket No. 05725.1187) dated September 28, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/312,083 (Attorney Docket No. 05725.1187-00) dated April 6, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/746,612 (Attorney Docket No. 05725.1338-01) dated February 17, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/990,475 (Attorney Docket No. 05725.1004-01) dated May 1, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/990,475 (Attorney Docket No. 05725.1004-01) dated November 2, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 11/212,811 Attorney Docket No. 05725.0816-03) dated August 24, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 11/212,811 Attorney Docket No. 05725.0816-03) dated November 17, 2005 (Ex. Venkat)	
		Richard J. Lewis, Sr., "Fatty Acid," Hawley's Condensed Chemical Dictionary 487 (13th ed., 1997)	
		U.S. District Court for the District of New Jersey Civil Docket for L'Oreal S.A. et al. v. Estee Lauder Companies, Inc., et al., Civ. No. 04-1660 (HAA) (filed April 7, 2004) (retrieved January 2, 2005)	

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